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Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	100-15210 (P05000-D01)
First Inventor	Waclaw C. Koscielniak
Title	Photonic Crystals Using a Semiconductor-Based Fabrication Process (as amended)
Express Mail Label No.	EV342470428US

06306 434179  
10/6/03  
06/05/03

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

Commissioner for Patents

**ADDRESS TO:**  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification *Total Pages* 14
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) *Total Sheets* 16
  - (6 sheets formal and 10 sheets informal)
5. Oath or Declaration *Total Sheets* 2
  - a.  Newly executed (original or copy)
  - b.  Copies from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

7.  CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8.  Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney *(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

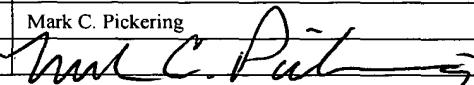
18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/929,661

Prior application information: Examiner Tuyen O. Tra Group Art Unit: 2873

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<b>33402</b>		or	<input type="checkbox"/> Correspondence address below
Name	Mark C. Pickering			
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Name(Print/Type)	Mark C. Pickering	Registration No. (Attorney/Agent)		36,239
Signature			Date	8-5-03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

# FEE TRANSMITTAL

## For FY 2003

Patent Fees are subject to annual revision.

Express Mail No. EV342470428US

**TOTAL AMOUNT OF PAYMENT**

\$750

*Complete if Known*

Application Number	NEW (Divisional of 09/929,661)
Filing Date	August 5, 2003
First Named Inventor	Waclaw C. Koscielniak
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Document No.	100-15210 (P05000-D01)

### METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge any fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 502305

LAW OFFICES OF MARK C. PICKERING

Applicant claims small entity status. See 37 CFR 1.27.

2.  Payment Enclosed:

Check  Money Order  Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

LARGE ENTITY

SMALL ENTITY

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility	750
1002	330	2002	260	Design	
1003	520	2003	255	Plant	
1004	750	2004	375	Reissue	
1005	160	2005	80	Provisional	
<b>SUBTOTAL (1)</b>					750

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

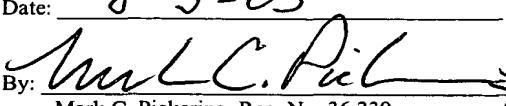
	Extra Claims	Fee from below	Fee Paid
Total Claims	6- 20 **	= 0	= \$ 0
Independent	1 - 3	= 2	= \$ 0
Multiple Dep.		*	= \$ 0

\*\*or number previously paid, if greater; for Reissues, see below:

Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	Fee Description
1202	18	2202 9 Claim in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 ** Reissue ind. claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		\$0

### SUBMITTED BY

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Date: 8-5-03  
 By:   
 Mark C. Pickering, Reg. No. 36,239

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Waclaw C. Koscieniak
		Title	Photonic Crystals Using a Semiconductor-Based Fabrication Process (as amended)
		Atty Docket Number	100-15210 (P05000-D01)

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

8-5-03

Date



Signature

Mark C. Pickering  
Reg. No. 36,239

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.